

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested.

Claims 1-7 were in the application, claims 1-5 and 7 have been amended, claim 6 has been cancelled.

Claim 1 was rejected under 35 USC 112 as being indefinite for use of the phrase "e.g.". This phrase has been deleted rendering moot the rejection.

In addition, each of the claims has been reviewed and amended as to form to better comply with U.S. claim format, that is, the claims have been amended to more properly relate the steps of the method invention disclosed, as well as to correct various antecedent basis errors. No new matter is presented in correcting these formalities.

Claims 5-7 were objected to as being in improper multiple dependent claim form, and these claims have been amended to moot the rejection.

Claims 1-4 were rejected as being obvious over Poulsen DK 17840 in view of Miller et al, U.S. Patent no. 3,692,184.

The Examiner acknowledged that Poulsen does not disclose a liquid mass applied by one or more nozzles, the nozzles being movable relative to the filter element. In fact, no such nozzles are required, as Poulsen relates to placing a pre-fabricated net on the filter element.(See para. 0003). The Examiner then relies on Miller et al to supply the missing elements. However, even the Examiner acknowledges that Miler does not explicitly state that any nozzles are in fact movable relative to the filter element. Moreover, it isn't just nozzle movement that is required, but rather the invention requires the step of applying a liquid mass using the movable nozzles to form a pattern of rings and/or connecting lines which harden to form a stiffening net.

Referring to Miller et al, it is clear from the disclosure that the nozzles are not movable, nor do the nozzles have the capability to form a stiffening net in place from a plurality of rings and/or connecting lines:

"The controlled spacing is maintained by laying the inside bands 19 down on the compressed to size paper pack with nozzles 49. Each nozzle has a feed line for a plastisol which is squirted onto the filter pack by the action of a piston operating pneumatically by air supplied through a second line. The strips of plastisol flow down between the pleats so that only a small amount, if any, remains above the folds. The inside bands 19 are precured at the proper temperature by passing the flat filter pack through an infrared or other heater." (Col. 3, l. 31-42, emphasis added)

Note that a piston operated device only means that the liquid is dispensed batch wise; one piston stroke displaces and dispenses one measured stream of liquid. This is quite different from the continuous streams needed to generate the rings and connecting lines described in the present invention. Note that nothing is mentioned about nozzle movement, but there is evidence that the nozzles do not in fact move. Note that the filter is said to then be passed through a heater...this implies that the flat filter is first passed by the nozzles, where the liquid is dosed, and then passed on to the heater. Likely, one piston displacement per filter would occur as the filter moves forward.

Moreover, it is described that only puddles are formed in the bottom of the filter pleats to maintain spacing, and so no hardened rings or connecting lines can be formed.

The only other nozzles discussed relate to an adhesive application, and these nozzles are also not movable:

"The filter cartridge illustrated in FIG. 3 is made by inserting the support tube 29 into the annular filter pack 11. The filter pack 11 is then rotated under a plurality of spaced nozzles issuing streams of adhesive resin so that each band encircles the outer periphery of the annulus."(Col. 3, l. 46-51)

In conducting an obviousness analysis, "[a] fact finder should be aware . . . of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning." KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1742, 167 L. Ed. 2d 705 (2007). This is because the genius of invention is often a combination of known elements that in hindsight seems preordained. In re Omeprazole Patent Litig., No. MDL

1291, 490 F. Supp. 2d 381, 2007 U.S. Dist. LEXIS 39670, at 400-01 (S.D.N.Y. May 31, 2007) (citation omitted) (quoting KSR, 127 S.Ct. at 1742); see also Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1138 (Fed. Cir. 1985), Raytheon Co. v. Roper Corp., 724 F.2d 951, 961 (Fed. Cir. 1983) (stating that "virtually every claimed invention is a combination of old elements").

The Court in KSR also wrote, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741, 167 L. Ed. 2d 705 (2007) ("To facilitate review, this analysis should be made explicit.") (citing Kahn, 441 F.3d at 988... "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006).

In this case, the reasoning supporting the rejection is faulty. The nozzles in Miller are not movable nor is there anything to lead one to use movable nozzles for creating a net from a hardened material applied in a pattern of rings and/or connecting lines. Poulsen itself uses a prefabricated net, and at most, one might consider using the nozzles of Miller to apply adhesive for holding the net on the filter element...certainly there is nothing to suggest to one skilled in the art the actual forming, in situ, of a stiffening net, as is done in the applicants invention.

Moreover, with reference to specifically claim 2, where the particular applying steps with movement patterns to form rings and connecting lines would not be obvious to one skilled in the art having Poulsen and Miller before him. It is pure speculation, and a hindsight reconstruction to presume that one would be led to the applicants invention, particularly where nozzles are movable relative to the filter element and also to each other to provide rings and connecting lines as claimed. Consequently, it is believed that claims 1-5 and 7 would not be obvious to one skilled in the art, and that claims 1-5 and 7 are patentable.

Based on the above amendments and remarks, reconsideration and allowance of the application are respectfully requested. In the event that minor corrections are required, to correct deficiencies under 35 USC 112, second paragraph, the examiner is authorized to make those corrections by examiners' amendment. However, should the examiner believe that direct contact with the applicant's attorney is necessary to advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

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